

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RASHOD BROWN,

Petitioner,

v.

LORI GIDLEY,

Respondent.

Case No. 14-cv-10243

UNITED STATES DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

UNITED STATES MAGISTRATE JUDGE
PAUL J. KOMIVES

/

ORDER GRANTING PETITIONER'S MOTION TO REOPEN CASE
[Dkt. 6]

Rashod Brown, a state prisoner, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On January 17, 2014, this Court entered an opinion and order holding the case in abeyance so that Petitioner could exhaust his state court remedies. The Court also administratively closed the case. Petitioner has now filed a motion to reopen the case.

Federal courts have the power to order that a habeas petition be reinstated upon timely request by a habeas petitioner. *See Woods v. Gilmore*, 26 F. Supp. 2d 1093, 1095 (C.D. Ill. 1998); *see also Parisi v. Cooper*, 961 F. Supp. 1247, 1249 (N.D. Ill. 1997). Because Petitioner asserts that he has exhausted his state court

remedies, his petition is now ripe for consideration. Accordingly, the Court will order that the case be reopened.

IT IS ORDERED that the petition for a writ of habeas corpus is reinstated to the Court's active docket.

IT IS FURTHER ORDERED that the Clerk of the Court shall serve a copy of the petition [Dkt. 1] and the amended petition [Dkt. 6] on the Attorney General for the State of Michigan, Appellate Division.

IT IS FURTHER ORDERED that Respondent shall file a responsive pleading and the Rule 5 materials within one-hundred and twenty (120) days of this order.

Dated: February 5, 2016
Detroit, MI

/s/Gershwin A Drain
HON. GERSHWIN A. DRAIN
United States District Court Judge